

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

RICHARD PAIVA,
Plaintiff,

v.

R.I. DEPARTMENT OF
CORRECTIONS,
Defendant.

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) C.A. No. 17-mc-14-JJM-LDA
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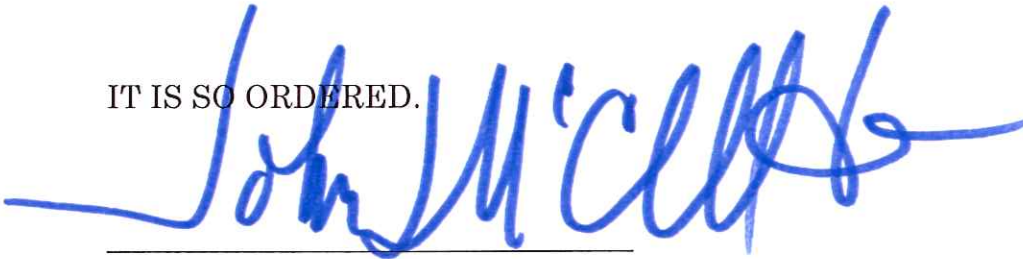
ORDER

Pursuant to the Judgment of the U.S. Court of Appeals for the First Circuit dated December 21, 2018, this Court orders the R.I. Department of Corrections to show cause at a hearing why it should not entertain Richard Paiva's "motion to address a claimed violation of an injunction" of this Court dated April 20, 1972. In that injunction, the Court set forth "minimum procedural safeguards with respect to classification and discipline" - the Morris Rules. The First Circuit has earlier held that the RIDOC could not "unilaterally order the elimination of rights determined in federal court." *Morris v. Travisano*, 509 F.2d 1358, 1361 (1st Cir. 1975). Mr. Paiva alleges that the RIDOC has unilaterally changed those rules without a court order and that such change has caused him injury.

The Court orders the RIDOC to show cause, therefore, why it should not be held in contempt, or otherwise sanctioned, for unilaterally changing the rules set forth without an order from this Court - in particular, limits on the length of punitive segregation and the composition of the Disciplinary Board

The Court will hold a telephone hearing on this show cause order, on the record on March 12, 2019 at 10:00 a.m.

IT IS SO ORDERED.

A handwritten signature in blue ink, appearing to read "John J. McConnell, Jr.", written over a horizontal line.

John J. McConnell, Jr.
United States District Judge

February 20, 2019